

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

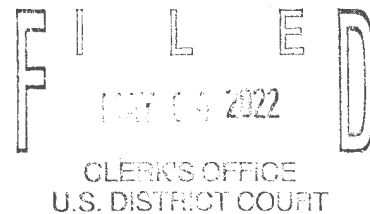
Plaintiff

v.

Case No. 22-30211
Originating No. 22mj384

DION MARQUISE HAYES,

Defendant.



GOVERNMENT'S PETITION
FOR TRANSFER OF DEFENDANT TO
ANOTHER DISTRICT AND SUPPORTING BRIEF

Pursuant to Rule 5(c)(3)(D) of the Federal Rules of Criminal Procedure, the United States of America hereby petitions the Court for an order transferring defendant **DION MARQUISE HAYES** to answer charges pending in another federal district, and states:

1. On **May 4, 2022**, the defendant **was arrested** in the Eastern District of Michigan in connection with a federal arrest warrant issued in the **Northern District of Georgia based on a Complaint**. The defendant is charged in that district with violating **18 USC Section 3146 – Failure to Surrender for Service of Sentence**.

2. Rule 5 requires this Court to determine whether the defendant is the person named in the arrest warrant, Fed. R. Crim. P. 5(c)(3)(D)(ii); whether the defendant is entitled to a preliminary hearing, Fed. R. Crim. P. 5(c)(3)(C); and whether the defendant should be detained, Fed. R. Crim. P. 5(d)(3).

WHEREFORE, the government requests this Court to conduct transfer proceedings in accordance with Rule 5 of the Federal Rules of Criminal Procedure.

Respectfully submitted,

Dawn N. Ison
United States Attorney

s/ Alison Furtaw
ALISON FURTAW
Assistant U.S. Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226
(313) 226-9100

Dated: May 4, 2022

United States District Court
NORTHERN DISTRICT OF GEORGIA

UNITED STATES OF AMERICA
v.

WARRANT FOR ARREST
AGENT TO ARREST

DION MARQUISE HAYES

Case Number: 1:22-MJ-384

TO: The United States Marshal
and any Authorized United States Officer

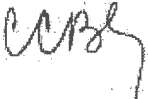
YOU ARE HEREBY COMMANDED to arrest DION MARQUISE HAYES

and bring him or her forthwith to the nearest magistrate judge to answer a **COMPLAINT** charging him
with: failure to surrender for service of sentence,

in violation of Title 18, United States Code, Section 3146.

CHRISTOPHER C. BLY
Name of Issuing Officer

United States Magistrate Judge
Title of Issuing Officer


Signature of Issuing Officer

April 28, 2022
Atlanta, Georgia
Date and Location

Bail Fixed at \$ _____ by _____
Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at:

Date Received: 05-4-2022

BLS Uri Belis
Name and Title of Arresting Officer

Date of Arrest: 05-4-2022

[Signature]
Signature of Arresting Officer

Krisof
DUSA

FILED IN CHAMBERS
U.S.D.C ATLANTA

United States District Court
NORTHERN DISTRICT OF GEORGIA

Date: Apr 28 2022

KEVIN P. WEIMER, Clerk

By: s/James Jarvis
Deputy Clerk

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

UNDER SEAL

DION MARQUISE HAYES

Case Number: 1:22-MJ-384

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about April 12, 2022, defendant DION MARQUISE HAYES, failed to surrender for service of sentence pursuant to a court order issued in the Northern District of Georgia, in violation of Title 18, United States Code, Section 3146.

I further state that I am a Deputy United States Marshal and that this complaint is based on the following facts:

PLEASE SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof. Yes

Matt Keown

Signature of Complainant
Matthew Keown

Based upon this complaint, this Court finds that there is probable cause to believe that an offense has been committed and that the defendant has committed it. Sworn to me by telephone pursuant to Federal Rule of Criminal Procedure 4.1.

April 28, 2022

Date

at Atlanta, Georgia

City and State

CHRISTOPHER C. BLY
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer
AUSA Ryan K. Buchanan
ryan.buchanan@usdoj.gov

CCBly

Signature of Judicial Officer
Issued pursuant to Federal Rule of Criminal
Procedure 4.1.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Matthew Keown, depose and state under penalty of perjury:

AFFIANT BACKGROUND

1. I am an investigative or law enforcement officer of the United States, within the meaning of Title 18, United States Code, § 2510(7), that is, an officer of the United States who is empowered to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, § 2516.

2. I am employed as a Deputy United States Marshal with the United States Marshals Service (USMS) and have been so employed since 2015. I am currently assigned to the USMS in the Northern District of Georgia. My duties and responsibilities include, but are not limited to, fugitive apprehension, protecting federal judges, prisoner management, and serving court documents. Throughout my 7-year career as a Deputy U.S. Marshal, I have participated in and led numerous investigations relating to tracking and locating fugitives who violate federal and state law. I am familiar with the methods and means individuals and organizations will use to escape and avoid law enforcement within the United States. One of my statutory duties is to investigate violations of Federal law, specifically Title 18 USC § 3146 (Failure to Appear).

3. This affidavit is submitted in support of a criminal complaint and arrest warrant charging Dion HAYES with Failing to Appear after being ordered to surrender himself at FCI McDowell Camp in Welch, West Virginia, in violation of Title 18, United States Code, Section 3146.

SOURCES OF INFORMATION

4. The facts set forth in this affidavit are based on observations made by myself and other law enforcement officers participating in this investigation, and information obtained from other agents and witnesses, and may also be based on: (a) my training and experience, (b) reports and/or business records, (c) recorded conversations, and (d) communications with other individuals who have personal knowledge of the events and circumstances described herein. Since this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included in this affidavit every detail of the investigation. Rather, I have set forth facts that I believe are sufficient to establish probable cause for the issuance of the requested arrest warrant. Unless specifically indicated otherwise, any conversations and statements described in this affidavit are related in substance and in part only.

FAILURE TO SURRENDER FOR SERVICE OF SENTENCE

5. A failure to surrender for service of sentence pursuant to a court order is a violation of Title 18, United States Code, Section 3146.

PROBABLE CAUSE

6. On or about March 10, 2020, a federal grand jury in the Northern District of Georgia returned an indictment charging Dion Marquise HAYES with possessing a firearm in the Northern District of Georgia after convictions for Carjacking and Felony Firearms Possession in the State of Michigan in 2011, a violation of Title 18, United States Code, Section 922(g)(1).

7. On or about August 9, 2021, HAYES entered a guilty plea to the indictment.

8. On or about November 8, 2021, the Court sentenced HAYES to three years of probation and a fine of \$90,000.

9. On or about December 10, 2021, the Court issued a summons for HAYES to appear based on a petition to show cause as to why probation should not be revoked due to multiple positive test results for use of controlled substances and an arrest in Nevada for Obstruction of Law Enforcement and Battery.

10. On or about February 1, 2022, the Court revoked HAYES'S probation and ordered HAYES to serve to six months in the custody of the Bureau of Prisons to be followed by two years of supervised release.

11. On or about March 11, 2022, the United States Marshal for the Northern District of Georgia directed HAYES to report to FCI McDowell Camp in Welch, West Virginia on April 12, 2022 to serve the sentence ordered by the Court.

12. On or about March 15, 2022, a United States Senior Probation Officer confirmed with HAYES that HAYES received the instruction to report to FCI McDowell Camp on April 12, 2022.

13. On April 12, 2022, HAYES did not surrender to FCI McDowell Camp to serve his sentence as directed.

14. As of April 27, 2022, HAYES has not surrendered to FCI McDowell Camp to serve his sentence.

CONCLUSION

15. Based on my knowledge, training, experience, and the facts set for in this affidavit, I submit there exists probable cause to believe that HAYES has failed to surrender to serve his sentence, in violation of Title 18 USC Section 3146,

United States District Court

NORTHERN DISTRICT OF GEORGIA

UNITED STATES OF AMERICA

v.

DION MARQUISE HAYES

WARRANT FOR ARREST
AGENT TO ARREST

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TO: The United States Marshal
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in violation of Title 18, United States Code, Section 3146.

CHRISTOPHER C. BLY

Name of Issuing Officer



Signature of Issuing Officer

United States Magistrate Judge

Title of Issuing Officer

April 28, 2022
Atlanta, Georgia

Date and Location

Bail Fixed at \$ _____ by _____
Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at:

Date Received: _____ Name and Title of Arresting Officer

Date of Arrest: _____ Signature of Arresting Officer

CLASS II WARRANT INFORMATION SHEET

NOTE: Deliver all original arrest warrants to U.S. Marshal, N/GA only. The Clerk shall not issue copies of arrest warrants, whether certified or not, to any law enforcement agency. Any law enforcement agency in need of copies shall obtain them from the U.S. Marshals' Office.

Identifying Data of Defendant:

NAME: DION MARQUISE HAYES

ALIAS: 42 DUGG

ADDRESS:

SEX: Male

RACE: Black

HEIGHT: 5'4"

WEIGHT: 130

DOB: 11/25/1994

SSN#: unknown

FBI#: 61690KD3

AGENCY: U.S. Marshals Service

AGENT: Matthew Keown

AGENT EMAIL: mkeown@usms.doj.gov

AGENT CONTACT #: (404) 909-0424

AUSA: Ryan K. Buchanan

***All executed arrest warrants shall be returned to the U.S. Marshal.**

FILED IN CHAMBERS
U.S.D.C ATLANTA

Date: Apr 28 2022

KEVIN P. WEIMER, Clerk

By: s/James Jarvis
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

DION MARQUISE HAYES

Criminal Action No.

1:22-MJ-384

UNDER SEAL

Motion to Seal Criminal Complaint

The United States of America, by Kurt R. Erskine, United States Attorney, and Ryan K. Buchanan, Assistant United States Attorney for the Northern District of Georgia, respectfully requests that the attached **Criminal Complaint**, Motion to Seal and Order be sealed for the following reasons:

Defendant Dion Marquise Hayes is not in law enforcement custody. The disclosure of the criminal complaint would negatively impact the safety of the officers who attempt to arrest Hayes. Further, because the investigation is continuing, the disclosure of the criminal complaint at this time would seriously jeopardize the ongoing investigation, as such disclosure may prompt the defendant and his confederates to destroy evidence, change patterns of behavior, or notify other confederates.

WHEREFORE, the United States of America respectfully requests that this motion, the **Criminal Complaint** and ensuing order be sealed.

Submitted this 28th day of April 2022.

Respectfully submitted,

KURT R. ERSKINE
United States Attorney

Ryan K. Buchanan

Ryan K. Buchanan
Assistant United States Attorney
Georgia Bar No. 623388
Ryan.Buchanan@usdoj.gov

FILED IN CHAMBERS
U.S.D.C ATLANTA

Date: Apr 28 2022

KEVIN P. WEIMER, Clerk

By: s/James Jarvis
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

DION MARQUISE HAYES

Criminal Action No.

1:22-MJ-384

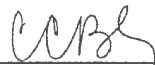
UNDER SEAL

Order

Having read and considered the Government's Motion to Seal **Criminal Complaint** and application and for good cause shown,

It is hereby ORDERED that the **Criminal Complaint** and application be sealed.

SO ORDERED this 28th day of April 2022.



CHRISTOPHER C. BLY
UNITED STATES MAGISTRATE JUDGE

Presented by:

Ryan K. Buchanan, Assistant United States Attorney